

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
RENEE IOVINO,) CASE NO. 05-63261 JPK
) Chapter 7
Debtor.)

ORDER REINSTATING CASE

This Chapter 7 case was dismissed by an order entered on June 27, 2005. The basis of the dismissal order – a generic form utilized by the Clerk's Office – was that the documents submitted at the initiation of the case "did not include a List of Creditors", and that as a result, the minimum requirements for initiating a voluntary case had not been met. The cited authority for this proposition in the order was N.D.Ind.L.B.R. B-1002-1.

Fed.R.Bankr.P. 1007(a)(1) requires that "the debtor shall file with the petition a list containing the name and address of each creditor **unless the petition is accompanied by a schedule of liabilities**" (emphasis supplied). N.D.Ind.L.B.R. B-1002-1(a)(4) provides that minimum filing requirements for a case include a "list of all creditors **or a schedule of liabilities . . .**" (emphasis supplied). While N.D.Ind.L.B.R. B-1007-1(a) requires the filing of a creditor matrix, if a petition is accompanied by a schedule of liabilities the failure to file a creditor matrix is not a deficiency which precludes the case from ever having been validly filed as a case. In her motion, the debtor asserts that she has filed a matrix of creditors – however, review of docket record entry #1 discloses that while a Verification of Creditor Matrix was filed, the list of creditors was not included in this record. On June 29, 2005, a separate Verification of Creditor Matrix, including a list of creditors and parties-in-interest was filed as docket record entry #8.

The Court finds that the order of dismissal entered on June 27, 2005 shall be vacated, and that this Chapter 7 case should be reinstated.

IT IS ORDERED that the order of June 27, 2005 is vacated, and that this Chapter 7 case is reinstated on the docket.

Dated at Hammond, Indiana on July 6, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee